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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,058	08/07/2003	Jeffrey D. Carnevali	NPI-018	1028

7590
Charles J. Rupnick
PO Box 46752
Seattle, WA 98146

05/19/2005

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/636,058	Applicant(s) CARNEVALI, JEFFREY D.	
	Examiner Ruth C Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-11 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-23 is/are allowed.
- 6) ☒ Claim(s) 3 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 4 and 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claims 3 and 5 is withdrawn in view of the newly discovered reference(s) to Molloy (US 4,928,916). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3 and 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Molloy (US 4,928,916).

A secure clamping mechanism (20) comprises two spaced apart surfaces (opposite sides of 26), a resiliently compressible biasing member (52), a clamp portion (46,48) and a locking key (54,56,58). The biasing member is between the two spaced apart surfaces (48,54). The clamp portion has a drive portion (62) that is structured to be slidably engaged between the two spaced apart surfaces (Figs. 1, 2 and 4). The locking key engaging the biasing member between the drive portion and at least one of the spaced apart surfaces (Figs. 1, 2 and 4). The locking key interlocks with at least one of the two spaced apart surfaces (Figs. 1, 2 and 4).

A secure clamping mechanism (20) comprises two spaced apart surfaces (opposite sides of 26), a resiliently compressible biasing member (52), a clamp portion (46,48) and a locking key (54,56,58). The biasing member is between the two spaced apart surfaces (48,54). The clamp portion has a drive portion (62) that is structured to be slidingly engaged between the two spaced apart surfaces (Figs. 1, 2 and 4). A notch formed in at least one of the two spaced apart surfaces (Figs. 1, 2 and 4). The locking key engages the biasing member between the drive portion and at least one of the spaced apart surfaces (Figs. 1, 2 and 4). The locking key having a complementary detent engaged with the notch (Figs. 1, 2 and 4).

The drive mechanism further comprises an elongated shaft portion (46,48) that is structured to slidingly fit between the two spaced apart surfaces and that is further structured for engaging a first end of the biasing member (Figs. 1, 2 and 4).

The locking key further comprises a means for engaging a second end of the biasing member (54) opposite from the first end thereof.

The clamp portion further comprises a jaw portion (end of 46) and the elongated shaft portion further comprises a shaft portion distal from the jaw portion that is structured for engaging the first end of the biasing member (Figs. 1, 2 and 4).

Allowable Subject Matter

4. Claims 14-23 are allowed.

5. Claims 4 and 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wallace et al. (US 2,319,377), Blake (US 3,509,882), Kemble (US 4,803,759), Blasnik (US 4,976,721), Quesada (US 5,582,377), Lu (US 6,370,741 B1) and Anderson (US 6,802,848 B2) are cited to show state of the art with respect to clamping mechanisms having some of the features being claimed by the current application.

Kela (US 5,917,907), Rankin, Jr. et al. (US 6,032,337), Kato (US 6,785,567 B2) and Chan (US 2004/0022388 A1) are cited to show state of the art with respect to cradles having a clamping mechanism with similar features to the ones being claimed by the current application.

Cheng (US 6,260,866 B1) is cited to show state of the art with respect to a secure clamping mechanism that has some of the features being claimed by the current application.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
May 16, 2005